



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,797	05/01/2001	James J. Hogan	GP121-02.UT	5168
21365	7590	04/09/2003	EXAMINER	
GEN PROBE INCORPORATED 10210 GENETIC CENTER DRIVE SAN DIEGO, CA 92121			KATCHEVES, KONSTANTINA T	
		ART UNIT	PAPER NUMBER	
		1636	DATE MAILED: 04/09/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-responsive Amendment

The reply filed on 31 January 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has apparently mischaracterized the restriction requirement asking for Applicant to choose one sequence for examination as a separate and distinct invention as an election of species. This is not an election of species but a restriction requirement. In a telephone conversation with Michael Gilly on 25 March 2003, the examiner proposed, as a courtesy to Applicant, to examine both SEQ ID Nos: 1 and 5. However, Applicant still needs to choose one helper sequence from Claim 25 to examine the present application pursuant to the present restriction requirement. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konstantina Katcheves whose telephone number is (703) 305-1999. The examiner can normally be reached on Monday through Friday 7:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel, Ph.D. can be reached on (703) 305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 305-7939 for After Final communications.

Art Unit: 1636

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3388.

Konstantina Katcheves

April 2, 2003



JAMES KETTER
PRIMARY EXAMINER